Executive Summary – Enforcement Matter – Case No. 43716 ADICO ENTERPRISES INC. dba Anas Shell RN100870831 Docket No. 2012-0531-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Anas Shell, 9816 Galveston Road, Houston, Harris County

Type of Operation:

Convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 31, 2012

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,044

Amount Deferred for Expedited Settlement: \$2,408 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$291 Total Due to General Revenue: \$9,345

Payment Plan: 35 payments of \$267 each

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Average

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

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Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 12, 2011 and February 6, 2012

Date(s) of NOE(s): February 6, 2012

Violation Information

- 1. Failed to renew a previously issued underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on July 31, 2006 [30 Tex. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a valid delivery certificate [30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)].
- 3. Failed to provide proper corrosion protection for the UST system [30 Tex. Admin. Code \S 334.49(a)(1) and Tex. Water Code \S 26.3475(d)].
- 4. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. Admin. Code \S 334.50(b)(1)(A) and Tex. Water Code \S 26.3475(c)(1)].
- 5. Failed to provide proper release detection for the pressurized piping associated with the UST system. Specifically, Respondent had not conducted the annual line leak detector and piping tightness testing [30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent has implemented the following corrective measures at the Facility:

- a. Conducted the annual line leak detector and piping tightness testing with passing results on March 9, 2012; and
- b. Conducted the triennial cathodic protection system testing with passing results on March 23, 2012.

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Docket No. 2012-0531-PST-E

Technical Requirements:

The Order will require Respondent to:

- a. Immediately, cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEO by submitting a properly completed UST registration and selfcertification form;
- b. Within 30 days, install and implement a release detection method for the USTs at the Facility; and
- c. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A **SOAH Referral Date:** N/A Hearing Date(s): N/A **Settlement Date:** N/A

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Maggie Dennis, Enforcement Division,

Enforcement Team 7, MC 128, (512) 239-2578; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEO SEP Coordinator: N/A

Respondent: Musa Adi, President, ADICO ENTERPRISES INC., 9802 Gulf Freeway,

Houston, Texas 77034

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 13-Feb-2012 Screening 27-Feb-2012 **EPA Due** PCW 8-May-2012 RESPONDENT/FACILITY INFORMATION Respondent ADICO ENTERPRISES INC. dba Anas Shell Reg. Ent. Ref. No. RN100870831 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 43716 No. of Violations 4 Docket No. 2012-0531-PST-E Order Type 1660 Media Program(s) Petroleum Storage Tank Government/Non-Profit No Multi-Media Enf. Coordinator Wallace Myers EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$11,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 0.0% Enhancement Subtotals 2, 3, & \$0 No adjustment for compliance history. Notes 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$250 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 *Capped at the Total EB \$ Amount Total FB Amounts \$1,195 Approx. Cost of Compliance \$11,250 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 7.1% Adjustment \$794

Enhancement to capture the avoided cost of compliance associated with

violation nos. 1 and 4.

Deferral offered for expedited settlement.

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Final Penalty Amount

Adjustment

Final Assessed Penalty

Reduction

20.0%

\$12,044 \$12,044

-\$2,408

\$9,636

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 27-Feb-2012

Docket No. 2012-0531-PST-E

Respondent ADICO ENTERPRISES INC. dba Anas Shell

Case ID No. 43716

Reg. Ent. Reference No. RN100870831

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Wallace Myers

Component	ry <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	A	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Adulis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
~~~·	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subt	total 2)
at Violator (	Subtotal 3)		
No	Adjustment Per	centage (Subt	total 3)
liance Histo	ry Person Classification (Subtotal 7)		
Average Pe	rformer Adjustment Per	centage (Subt	otal 7)
liance Histo	ry Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Adjustment Percentage (S		

Screening Date 27-Feb-2012 Docket No. 2012-0531-PST-E	PCW
Respondent ADICO ENTERPRISES INC. dba Anas Shell Case ID No. 43716	Policy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No. RN100870831  Media [Statute] Petroleum Storage Tank	
Enf. Coordinator Wallace Myers	
Violation Number	
Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)	
Failed to renew a previously issued underground storage tank ("UST")  Violation Description  Certificate by submitting a properly completed UST registration and self-c	ertification
form at least 30 days before the expiration date. Specifically, the de certificate expired on July 31, 2006.	livery
Bas	e Penalty \$10,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	
OR Actual Potential Percent 0%	
>>Programmatic Matrix Falsification Major Moderate Minor	
Percent 10%	
Matrix Harris 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 19	
Notes 100% of the rule requirement was not met.	
Adjustment	\$9,000
	\$1,000
	<del></del>
Violation Events	
Number of Violation Events 6 2037 Number of violation	days
daily weekly	
mark only one monthly	-
with an x  quarterly  semiannual  Violation Base	e Penalty \$6,000
annual x single event	
Six annual events are recommended.	
Good Faith Efforts to Comply 0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$0
Extraordinary Extraordinary	
Ordinary (mark with x)	
The Respondent does not meet the good faith criteria for	
Notes this violation.	
Violation	Subtotal \$6,000
Economic Benefit (EB) for this violation Statutory Limit	
Estimated EB Amount \$665 Violation Final Pena	
This violation Final Assessed Penalty (adjusted fo	or limits) \$6,423

		CONOMIC PRISES INC. dba					
	3	PRISES INC. UDA	Alias Sileli				
Case ID No.	3						
ea. Ent. Reference No.							
	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1			VDD-30-2000-000-00			Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	7					
200111 20050 190001	re connics of g						
Delaved Costs							
Delayeu COSCS Equipment	<del></del>	ı i		10.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		U. CANTO CONTRACTOR OF THE CON		0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0		
		1			**********	n/a	\$0
Other (as needed)	\$100 Estimated	6-Feb-2012 cost to obtain a c	27-Oct-2012 urrent TCEQ de	0.72	\$4	n/a n/a itting a properly con	\$4
Other (as needed)  Notes for DELAYED costs	Estimated registration ar	cost to obtain a condition of the condit	urrent TCEQ de n form. The dat estimate	0.72 livery c e requi ed date	\$4 ertificate by subm red is the record n of compliance.	n/a itting a properly cor eview date and the	\$4 npleted UST final date is the
, ,	Estimated registration ar	cost to obtain a condition of the condit	urrent TCEQ de n form. The dat estimate	0.72 livery c e requi ed date	\$4 ertificate by subm red is the record n of compliance.	itting a properly con	\$4 npleted UST final date is the
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Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated registration ar	cost to obtain a condition of the condit	urrent TCEQ de n form. The dat estimate	livery control of the	\$4 ertificate by subm red is the record n of compliance. ng item (except 1 \$0 \$0	n/a itting a properly cor eview date and the for one-time avoid \$0 \$0	\$4 npleted UST final date is the led costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated registration ar	cost to obtain a condition of the condit	urrent TCEQ de n form. The dat estimate	livery ce required date enterir 0.00 0.00 0.00	\$4  ertificate by subm red is the record r of compliance.  ng item (except   \$0 \$0 \$0	n/a itting a properly coneview date and the for one-time avoid \$0 \$0 \$0 \$0	\$4 npleted UST final date is the  ded costs) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated registration ar	cost to obtain a condition of the condit	urrent TCEQ de n form. The dat estimate	0.72   livery c   e required date   enterir   0.00   0.00   0.00	\$4 ertificate by subm red is the record r of compliance.  ng item (except i \$0 \$0 \$0 \$0	n/a itting a properly coneview date and the for one-time avoic \$0 \$0 \$0 \$0	\$4 npleted UST final date is the  led costs) \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated registration ar	cost to obtain a condition and self-certification  IZE [1] avoided	urrent TCEQ de n form. The dat estimate costs before	0.72 livery control of the control o	\$4 ertificate by subm red is the record n of compliance.  ng item (except i \$0 \$0 \$0 \$0 \$0 \$0	n/a itting a properly coneview date and the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$4  npleted UST  final date is the  led costs)  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated registration ar	cost to obtain a condition of the condit	urrent TCEQ de n form. The dat estimate	0.72 livery c e requied date enterin 0.00 0.00 0.00 0.00 0.00	\$4 ertificate by subm red is the record r of compliance.  ng item (except : \$0 \$0 \$0 \$0 \$0 \$161	n/a itting a properly coneview date and the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4  npleted UST  final date is the  led costs)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated registration ar	cost to obtain a condition and self-certification  IZE [1] avoided	urrent TCEQ de n form. The dat estimate costs before	0.72 livery control of the control o	\$4 ertificate by subm red is the record n of compliance.  ng item (except i \$0 \$0 \$0 \$0 \$0 \$0	n/a itting a properly coneview date and the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$4 npleted UST final date is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated registration ar  ANNUAL  \$500  Estimated	cost to obtain a cond self-certification  IZE [1] avoided  31-Jul-2006  d cost to obtain a  UST registration a	urrent TCEQ de n form. The dat estimate costs before  6-Feb-2012  TCEQ delivery and self-certifica	0.72 divery ce required date enterin 0.00 0.00 0.00 0.00 0.00 0.00 6.44 0.00 certification for	\$4 ertificate by subm red is the record re of compliance.  19 item (except in the second in the seco	n/a itting a properly coneview date and the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$cone to the avoid	\$4  npleted UST  final date is the  led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 a properly

Reg. Ent. Reference No. 2010/08/10/37/36  Reg. Ent. Reference No. 2010/08/31  Media (Statute) Petroleum Storage Tank  Enf. Coordinator Walace Myers  Violation Number  Rule Cite(s)  30 Tex. Admin. Code § 338.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)  Violation Description  Violation Description  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Failed to make available to a common carrier a valid, current TCEQ delivery.  Specifically, one fuel delivery was accepted without a valid delivery certificate.  Percent  Release  Major Moderate Minor  Percent  O%  Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Advisation Events  Number of Violation Events  Number of Violation Events  Number of Violation Events  One single event is recommended for accepting one delivery of fuel without a valid delivery conflicted.  One single event is recommended for accepting one delivery of fuel without a valid delivery conflicted.  One single event is recommended for accepting one delivery of fuel without a valid delivery conflicted.  The Respondent does not meet the good fault criteria for this violation Subtotal  The Respondent does not meet the good fault criteria for this violation Final Penalty Total  550  Statutory Limit Test  Estimated EB Amount  50 Violation Final Penalty Total  551	Screening Date		. 2012-0531-PST-E <b>PCW</b>
Reg. Ent. Reference No. RN100870831   Media   Statute) - Perview mistoring Fall   Perview mistoring   Perview mist			Policy Revision 2 (September 2002)
Media (Statute) Petroleum Storage Tank Eff. Coordinator Valace Myers Violation Number Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(t) and Tex. Water Code § 26.3467(a)  Violation Description Failed to make available to a common carrier a valid, current TCEQ delivery certificate below accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a valid delivery certificate below accepting delivery accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a valid delivery certificate.  Sase Penalty  S10,00  Percent  Rule Cite(s) Specifically, one fuel delivery was accepted without a valid delivery certificate.  Base Penalty S10,00  Specifically one fuel delivery was accepted without a valid delivery certificate.  Percent  Percent  Percent  Percent  ON  Matrix Notes  Percent  Matrix Polistication  Major Moderate Minor Percent  Percent  ON  Adjustment  S1,000  Adjustment  S2,000  S50  S50  S50  S50  S50  S50  S50			FCW Revision October 30, 2000
Violation Number   Rule Cite(s)   30 Tex. Admin. Code § 334.8(c)(5)(A)(f) and Tex. Water Code § 26.3467(a)	Media [Statute]	Petroleum Storage Tank	
Violation Description   Failed to make available to a common carnier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTS. Specifically, one finel selvery was accepted without a valid delivery certificate.    Base Penalty			
Violation Description  Violation Description  Violation Description  Violation Description  Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery or arguinated substance into the USTs.  Specifically, one tivel delivery was accepted without a valid delivery cartificate.  Base Penalty  510,00  Failed to make available to a common carrier a valid, current TCEQ delivery certificate.  Base Penalty  510,00  Failed to make available to a common carrier a valid, current TCEQ delivery cartificate.  Failed to make available to a common carrier a valid, current TCEQ delivery certificate.  Failed to make available to a common carrier a valid, current TCEQ delivery cartificate.  Failed to make available to a common carrier a valid, current TCEQ delivery cartificate.  Failed to make available to a common carrier a valid, current TCEQ delivery cartificate.  Percent  Station Major Moderate Minor  Percent  Station Major Minor  Station Major Mino			
Violation Description   Specifically, one fuel delivery was accepted without a valid delivery certificate.	Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex	k. Water Code § 26.3467(a)
Violation Description   Specifically, one fuel delivery was accepted without a valid delivery certificate.			
Specifically, one fuel delivery was accepted without a valid delivery certificate.    Sase Penalty		Failed to make available to a common carrier a v	valid, current TCEQ delivery
Sase Penalty   \$10,00	Violation Description		
Programmatic Matrix Percent 5%  Programmatic Matrix Percent 5%  Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Human health or the environment will or could be exposed to insignificant amounts of poliutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment 50,500  Solation Events  Number of Violation Events 1 1 Number of violation days  daily weekly monethly seminanual single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events 50  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events 50  Solation Events 60  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events 60  Solation Events 75  Solation Events 75  Solation Events 75  Solation Events 75  Violation Base Penalty 550  Solation Events 75  Solation Events 75  Solation Events 75  Solation Events 75  Violation Base Penalty 550  Solation Events 75  Solation E		Specifically, one fuel delivery was accepted withou	it a valid delivery certificate.
Programmatic Matrix Percent 5%  Programmatic Matrix Percent 5%  Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Human health or the environment will or could be exposed to insignificant amounts of poliutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment 50,500  Solation Events  Number of Violation Events 1 1 Number of violation days  daily weekly monethly seminanual single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events 50  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events 50  Solation Events 60  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solation Events 60  Solation Events 75  Solation Events 75  Solation Events 75  Solation Events 75  Violation Base Penalty 550  Solation Events 75  Solation Events 75  Solation Events 75  Solation Events 75  Violation Base Penalty 550  Solation Events 75  Solation E			
Release Major Moderate Minor Actual Potential X Percent 5%  Programmatic Matrix Falsification Major Moderate Minor Fercent 0%  Human health or the environment will or could be exposed to insignificant amounts of poliutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$9,500  \$50  S50  Solation Events  Number of Violation Events 1 Number of violation days    Weekly Moderate Minor Percent 0%			Base Penalty \$10,000
Release Major Moderate Minor Actual Potential X Percent 5%  Programmatic Matrix Falsification Major Moderate Minor Fercent 0%  Human health or the environment will or could be exposed to insignificant amounts of poliutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$9,500  \$50  S50  Solation Events  Number of Violation Events 1 Number of violation days    Weekly Moderate Minor Percent 0%		•	-
Release Major Moderate Minor Actual Potential	> Environmental, Proper		
Programmatic Matrix Falsification Major Moderate Minor Percent 0%  Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.  Adjustment \$9,500  \$50  Dolation Events  Number of Violation Events 1 Number of violation days  Mark only one with an x violation Events 1 Number of violation base Penalty violation Events  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Percent 5%  Human health or the environment will or could be exposed to insignificant amounts of pollutants which which would not exceed levels that are protective of human health or environmental receptors as a result of the violation days  **Solution**  Violation Base Penalty \$50  **Solution**  **Solution**  **Violation Subtotal**  **Violation Subtotal**  **Violation Subtotal**  **Solution**  **Violation Penalty Total**  **Violation Penalty	Release		
Programmatic Matrix Faisification Major Moderate Minor Percent 0%  Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$9,500			
Human health or the environment will or could be exposed to insignificant amounts of poliutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	Potential		Percent 5%
Human health or the environment will or could be exposed to insignificant amounts of poliutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	>Programmatic Matrix		
Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment		Major Moderate Minor	*
which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment			Percent 0%
which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	ERREPHENDISCHER, COO. V	CONCRETE CONTROL OF THE PROPERTY OF THE STREET OF THE PROPERTY OF THE STREET OF THE ST	SAP-aromesea Shiotsala Jalawii Asaremii
Notes result of the violation.  Adjustment \$9,500  \$50  \$50  Space of Violation Events  Number of Violation Events 1 Number of violation days			
Number of Violation Events    Number of Violation Events   1	Notes   William	[12] [13] [13] [13] [13] [13] [13] [14] [15] [15] [15] [15] [15] [15] [15] [15	
Number of Violation Events    Number of Violation Events   1	BARRING BERLEVICE BL		
Number of Violation Events    Number of Violation Events		Ad	ljustment \$9,500
Number of Violation Events    Number of Violation Events			\$500
Number of Violation Events 1 1 Number of violation days    daily			
daily weekly monthly quarterly semiannual annual single event x  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Section 1.**  **One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Section 1.**  **One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Section 1.**  **Defore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary Nov to EDPRP/Settlement Offer Extraordinary Nov to EDPRP/Settlement Offer E	olation Events		
daily weekly monthly quarterly semiannual annual single event x  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Section 1.**  **One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Section 1.**  **One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Section 1.**  **Defore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary Nov to EDPRP/Settlement Offer Extraordinary Nov to EDPRP/Settlement Offer E	Number of V	iolation Events 1	Number of violation days
weekly monthly quarterly semiannual annual single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Sefore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  Donomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$53			# · · · · · · · · · · · · · · · · · · ·
mark only one with an x    Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one one of the with an x   Mark only one of the with an x   Mark only one of the without a valid delivery of fuel without a valid delivery certificate.    Mark only one one of the without a valid delivery of fuel without a	·	daily	
with an x   quarterly semiannual annual single event   x			
Semiannual annual single event x  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Seed Faith Efforts to Comply 0.0% Reduction \$  Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x ((mark with x))  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  Conomic Benefit (EB) for this violation \$50  Violation Final Penalty Total \$53			Violation Base Penalty \$500
One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  Solve the provided in the street of the street o	with an x		
One single event is recommended for accepting one delivery of fuel without a valid delivery certificate.  **Proof Faith Efforts to Comply		annual	
certificate.  **Dod Faith Efforts to Comply		single event x	
certificate.  **Dod Faith Efforts to Comply	Processor contrations of		
Anod Faith Efforts to Comply  Defore NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  conomic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$0  Violation Final Penalty Total \$53	One single		fuel without a valid delivery
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  onomic Benefit (EB) for this Violation \$50  Estimated EB Amount \$0 Violation Final Penalty Total \$53		ceruncate	
Before NOV NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  onomic Benefit (EB) for this Violation \$50  Estimated EB Amount \$0 Violation Final Penalty Total \$53		· Emmanre or voi	
Extraordinary Ordinary N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  conomic Benefit (EB) for this violation  Statutory Limit Test Estimated EB Amount \$0 Violation Final Penalty Total \$53	ood Faith Efforts to Comp	· · ·	
Ordinary  N/A  x (mark with x)  Notes  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  conomic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$53			
N/A x (mark with x)  Notes The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal \$50  onomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$53			
Notes this violation.  Violation Subtotal \$50  onomic Benefit (EB) for this violation \$50  Estimated EB Amount \$0 Violation Final Penalty Total \$53			<u>.                                    </u>
Notes this violation.  Violation Subtotal \$50  onomic Benefit (EB) for this violation \$50  Estimated EB Amount \$0 Violation Final Penalty Total \$53		The Persondent descript meet the or	ood faith criteria for
onomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$53		Noteci	
onomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$53			
onomic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$0 Violation Final Penalty Total \$53			Violation Subtotal \$500
Estimated EB Amount \$0 Violation Final Penalty Total \$53			<b>.</b>
	onomic Benefit (EB) for	his violation	Statutory Limit Test
	Ectimate	d FB Amount to	Violation Final Penalty Total \$535
This violation Final Assessed Penalty (adjusted for limits) \$53	Estillate	a Lo Amount 90	Tionadon Final Femaley Total 3333
		This violation Final Assessed P	Penalty (adjusted for limits) \$535

	E	conomic	Benefit	Wo	rksheet		
Respondent	ADICO ENTER	PRISES INC. dba	Anas Shell				
Case ID No.							
Rea. Ent. Reference No.							
	Petroleum Sto						Years of
Violation No.		rage raine				<b>Percent Interest</b>	Depreciation
Violation No.	4					5.0	15
	Itom Cast	Date Required	Einal Nate	Vrc	Interest Saved	Onetime Costs	EB Amount
Item Description			i mai Date		increst outed	Onceine costs	LU AMOUNT
ttem bescription	NO Commas or \$						
Delayed Costs							
Delayeu COSIS Equipment				0.00	\$0	\$0	\$0
Buildings		<b>i</b>		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0 \$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	<u>\$0</u>	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling		1		0.00	\$0	n/a	\$0
Remediation/Disposal		1		0.00	\$0	n/a	\$0
Permit Costs		1		0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs			Economic bene	it inclu	ded in violation no	1	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterir	ng item (except )	or one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0,00	\$0	\$0	\$0
Notes for AVOIDED costs							

Respondent ADICO ENTERPRISES INC. dba Anas Shell AND Advision 2 (Eigenmeer 2002)  Reg. Ent. Reference No. IN 100879831  Reference No. IN 100879831  Base Penalty Personal Statutes Personal Personal Statutes Personal Statutes Personal Statutes Personal Personal Statutes Personal Personal Statutes Personal Pers	Screening Date		PCW
Reg. Ent. Reference No. RR100870831 Media (Statute) Petroleum Storage Tank Ent. Coordinator Wallace Myers Violation Number Rule Cite(s)  Violation Description  Falled to provide proper corrosion protection for the UST system.  Base Penalty  S10,000  **Note:**  **Note:**  **Programmatic Matrix Release Major Moderate Minor Potential Yallow Moderate M			Policy Revision 2 (September 2002)
Media (Statute) Petroleum Storage Tank Finf. Coordinator Wallace Myers Violation Number Rule Cite(s)  Violation Description  Falled to provide proper corrosion protection for the UST system.  Sase Penalty  \$10,000  >> Environmental, Property and Human Health Matrix Harm Release Major Mode at Minor Actual Release Major Mode at Minor Percent Protental X  >> Programmatic Matrix Release Major Mode at Minor Percent    Matrix Matrix Matrix Matrix Matrix Matrix   Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Matrix Mat			PCW Revision October 30, 2008
Finf. Coordinator Wallace Myers Violation Number Rule Cite(s)    Violation Description			A.Aahu
Violation Number 3 30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(c)  Violation Description  Failed to provide proper corrosion protection for the UST system.    Sase Penalty   \$10,000			¥5.
Violation Description   Falled to provide proper corrosion protection for the UST system.   \$10,000	ಕ್ಷೇತ್ರವೃತ್ತವೃತ್ತವು ಅವರ್ಷದಲ್ಲಿ ಅರ್ವರ ಸಂಪರ್ಧನಾಗಿ ತಿರಿತಿ ಕ್ಷೇತ್ರವ ಕಾರಿ ಅದರಿಂದ ಅರ್ವರ್ಷಗಳು ಮುಂಗಳು ಮುಂಗಳು ಮುಂದು ಮುಂದ		
Violation Description   Failed to provide proper corrosion protection for the UST system.   \$10,000	Rule Cite(s)	30 Tex. Admin. Code & 334.49(a)(1) and Tex. Water Code & 26.34	25(a)
Sase Penalty   S10,000			
Sase Penalty   S10,000			
Sase Penalty   S10,000	Windows December		
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor	Violation Description	railed to provide proper corrosion protection for the ost system	
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor			
>> Environmental, Property and Human Health Matrix   Harm   Release   Major   Moderate   Minor	<b>!</b>		THE STATE OF THE S
Release Major Moderate Minor Actual Potential X Percent 25%  >>Programmatic Matrix Falsification Major Moderate Minor Percent 0%    Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment		Ва	se Penalty \$10,000
Release Major Moderate Minor Actual Potential X Percent 25%  >>Programmatic Matrix Falsification Major Moderate Minor Percent 0%    Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment   \$7,500	-		**************************************
Release Major Moderate Minor Potential X Percent 25%  >>Programmatic Matrix Faisfication Major Moderate Minor Percent 25%  Adjustment \$7,500  \$2,500  Violation Events  Number of Violation Events 1 21 Number of violation days  #### Violation Base Penalty \$2,500  #### Violation Base Penalty \$2,500  Good Faith Efforts to Comply 10.09% Reduction Major Penalty Total \$2,500  **Bodies Nov to EDRPS/Settlement Offer Extraordinary Ordinary X Notes Percent Major Penalty Major Major Penalty Total \$2,250  **Violation Subtotal \$2,250  **Violation Final Penalty Total \$2,409  **Violation Final Penalty Total \$2,409	>> Environmental, Proper		
>> Programmatic Matrix Falsification Major Moderate Minor Falsification Major Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Minor Falsification Major Minor Falsification Major Falsi	Release		- Anna Anna Anna Anna Anna Anna Anna Ann
>> Programmatic Matrix Falsification Major Moderate Minor Major Major Moderate Minor Major M			<b>_</b>
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	Potential	X Percent 25%	<u> </u>
Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment	>>Dracesomatic Matrix		www.
Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.    Adjustment		Major Moderate Minor	***************************************
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment			
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment			**************************************
Notes that are protective of human health or environmental receptors as a result of the violation.    Adjustment	Matrix Human health	or the environment will or could be exposed to pollutants which would ex	ceed levels
Violation Events  Number of Violation Events  Number of Violation Events			
Violation Events  Number of Violation Events  Number of Violation Events			The state of the s
Number of Violation Events    Violation Events   21		Adjustment	\$7,500
Number of Violation Events    Violation Events   21			12 700
Number of Violation Events    21			\$2,500
Number of Violation Events    21	Violation Events		THE STATE OF THE S
daily   weekly   monthly   x   would with an x			300000000000000000000000000000000000000
mark only one with an x    Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.    Good Faith Efforts to Comply	Number of N	olation Events 1 21 Number of violation	ı days
mark only one with an x    Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.    Good Faith Efforts to Comply		Asilie	
mark only one with an x    Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one with an x   Mark only one monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.    Good Faith Efforts to Comply			
With an x semiannual annual single event  One monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.  Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  (mark with x)  The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$293  Violation Final Penalty Total \$2,409			мани на
Semannual annual single event  One monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.  Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  (mark with x)  The Respondent came into compliance on March 23, 2012.  Violation Subtotal  \$2,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$293  Violation Final Penalty Total  \$2,409		quarterly Wiolation Ba	se Penalty \$2,500
One monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.  Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary  Ordinary  N/A  Notes  The Respondent came into compliance on March 23, 2012.  Violation Subtotal  \$2,250  Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount  \$293  Violation Final Penalty Total  \$2,409			rome and a second
One monthly event is recommended based on documentation of the violation during the February 6, 2012 record review to the February 27, 2012 screening date.  \$250    Before NOV   NOV to EDPRP/Settlement Offer			DO COMPANY
Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary X  N/A (mark with x)  Notes  The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation  \$293  Violation Final Penalty Total \$2,409		Single event.	and the second s
Good Faith Efforts to Comply  10.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary X  N/A (mark with x)  Notes  The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation  \$293  Violation Final Penalty Total \$2,409			
Good Faith Efforts to Comply    10.0%   Reduction   \$250	Une monthly		a remuary
Extraordinary Ordinary X  Notes The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409			
Extraordinary Ordinary X  Notes The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409	Cood Eaith Efforts to Comi	lly 10.0% Paduction	\$250
Ordinary   X   N/A   (mark with x)   Notes   The Respondent came into compliance on March 23, 2012.  Violation Subtotal   \$2,250    Economic Benefit (EB) for this violation   Statutory Limit Test  Estimated EB Amount   \$293   Violation Final Penalty Total   \$2,409			7
N/A (mark with x)  Notes The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		Extraordinary Extraordinary	House
Notes The Respondent came into compliance on March 23, 2012.  Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		Ordinary X	·
Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		N/A (mark with x)	71
Violation Subtotal \$2,250  Economic Benefit (EB) for this violation Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		The Respondent came into compliance on March 23,	
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		Notes 2012	
Economic Benefit (EB) for this violation  Statutory Limit Test  Estimated EB Amount \$293 Violation Final Penalty Total \$2,409			A STATE OF THE STA
Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		Violatio	n Subtotal \$2,250
Estimated EB Amount \$293 Violation Final Penalty Total \$2,409		ur ratesta	
	Economic Benefit (EB) for	nis violation Statutory Limi	LICSL
This violation Final Assessed Penalty (adjusted for limits) \$2,409	Estimate	d EB Amount \$293 Violation Final Per	nalty Total \$2,409
This violation Final Assessed Penalty (adjusted for limits) \$2,409		This violation Final Assessed Donalty (adjusted	for limits) ¢2.400
		iliis violation Filial Assesseu Peliaity (adjusted	101 mmts) 32,409

	E	conomic	Benefit	Wo	rksheet		
Respondent	ADICO ENTER	PRISES INC. dba	Anas Shell	dabaan satataa			77000000000000000000000000000000000000
Case ID No.	43716						
a. Ent. Reference No.	RN100870831						
Media	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	33					Leireiir Tiireiezr	Depreciation
						5.0	. 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved		EB Amount
Item Description		•					
item pescription	i ino continuos os p						
Delayed Costs							
Equipment	\$6,000	12-Jul-2011	23-Mar-2012	0.70	\$14	\$279	\$293
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	<u>\$0</u>	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs			3111111303333333	0.00	\$0	n/a	\$0
Other (as needed)		1		0.00	l <u>\$0</u>	l n/a l	\$0
Notes for DELAYED costs  Avoided Costs		the date of the	investigation a	nd the	final date is the d	UST system. The date of compliance. for one-time avoice.	
Disposal				0.00	\$0	\$0	\$0
Personnel	, (c. 118)			0.00	\$0	\$0	\$0
pection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	\$0	\$0 l	\$0
Notes for AVOIDED costs							
					and the second s		

Screening Date		PCW
	· ·	Revision 2 (September 2002)
Case ID No.		W Revision October 30, 2008
Reg. Ent. Reference No.	Petroleum Storage Tank	***************************************
Enf. Coordinator		and the second s
Violation Number		was a second
Rule Cite(s)		77
	26.3475(a) and (c)(1)	
	Failed to monitor the USTs for releases at a frequency of at least once every mor (not to exceed 35 days between each monitoring). Also, failed to provide prope	7 as 2 11
Violation Description	release detection for the pressurized piping associated with the UST system.	
, , , , , , , , , , , , , , , , , , ,	Specifically, the Respondent had not conducted the annual line leak detector an	d
	piping tightness testing.	
1		
	Base Pena	lty \$10,000
		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
>> Environmental, Proper	ty and Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
OR Actual Potential	X Percent 25%	
rocerear	Terent 25 %	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	Accession
	Percent 0%	***************************************
Matrix Human health	or the environment will or could be exposed to pollutants which would exceed levi	alc
	of the ervironment will or coole be exposed to politically which would exceed ever otective of human health or environmental receptors as a result of the violation.	513
	4 W	
	Adjustment \$7,5	<u>,00</u> 1
000000000		\$2,500
Violation Events		
<b></b>	Salakian Carana (Salakian da salakian	
Number of V	iolation Events 1 Number of violation days	
	daily	WWW
	weekly	
	monthly x	
mark only one with an x	quarterly Violation Base Pena	lty \$2,500
With all X	semiannual	1
	annual <b>Carrier</b>	
	single event	
		***************************************
One monthly	event is recommended based on documentation of the violation during the Februa	ry
	6, 2012 record review to the February 27, 2012 screening date.	
· [66]:::::::::::::::::::::::::::::::::::		ا
Good Faith Efforts to Comp	ly 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	
	N/A X (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this yiolation.	
	LIBS VIOIALIOIT.	
	Violation Subto	tal \$2,500
Encompain Dought (FD) f	hic violation	
Economic Benefit (EB) for	this violation Statutory Limit Test	
Estimate	d EB Amount \$237 Violation Final Penalty To	tal \$2,676
·	-	
	This violation Final Assessed Penalty (adjusted for limit	(s) \$2,676

Titem Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amous	меца Violation No.	Petroleum Sto 4	rage Tank				Percent Interest	Years of Depreciation
Delaved Costs   Equipment Buildings   Delayed Costs   Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Costs   Disposal Personnel Spection/Reporting/Sampling Supplies/equipment Supplies/equipment Financial Assurance [2]   DNE-TIME avoided costs [3]   S118   12-jul-2010   9-Mar-2012   2.58   \$15   \$118   \$133   \$133   \$104   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108   \$108							5.0	1
Delaved Costs   Equipment Buildings   D.000 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0		Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Onetime Costs	EB Amount
Equipment Buildings	Item Description	No commas or \$						
Equipment Buildings								
Duildings   Duil			<del></del>	<b>I</b>	l o oo l	40	L +n	ėn.
		<del></del>	<u> </u>					
Double   D				-	*********		************************	*********
Land								
Comparison   Com								
Training/Sampling	Record Keeping System							
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Dection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]    Costs					0.00	\$0	n/a	\$0
Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Section/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]  \$1,500	Remediation/Disposal				0.00	\$0	n/a	\$0
Notes for DELAYED costs    Avoided Costs   Disposal Personnel   Disposal Personnel Supplies/equipment   Disposal Personnel Sup	Permit Costs				0.00	\$0	n/a	\$0
Notes for DELAYED costs				Na				
			t to provide relea	se detection for	1,38	\$104 T system. The dat	<b>n/a</b> e required is the inv	\$104
Other (as needed)	Notes for DELAYED costs  Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	Estimated cosi	t to provide relea and t IZE [1] avoided	se detection for the final date is I costs before	1.38 the US the esti  enterin  0.00  0.00  0.00  0.00	\$104  T system. The dat mated date of core is the system (except so	n/a e required is the inverse in the	\$104 restigation date led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
	Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	t to provide relea and t IZE [1] avoided	se detection for the final date is I costs before	1.38 the US the esti  0.00 0.00 0.00 0.00 0.00 2.58	\$104  If system, The date mated date of cores of the system (except to some system) system sy	n/a e required is the investment of the investme	\$104  restigation date  fed costs)  \$0  \$0  \$0  \$0  \$133

**Compliance History Report** 

Customer/Respondent/Owner-Operator: CN600976450 ADICO ENTERPRISES INC. Classification: AVERAGE Rating: 2.25

Regulated Entity:

RN100870831

_____

Classification: HIGH

Site Rating: 0.00

ID Number(s):

REGISTRATION

Anas Shell

AIR NEW SOURCE PERMITS
PETROLEUM STORAGE TANK

ACCOUNT NUMBER REGISTRATION

HG8983A 65785

Location:

9816 GALVESTON RD, HOUSTON, TX, 77034

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

February 27, 2012

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

February 27, 2007 to February 27, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Wallace Myers

Phone:

512-239-6580

### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3. If YES, who is the current owner/operator?

N/A

4. If YES, who was/were the prior owner(s)/operator(s)?

N/A

5. If YES, when did the change(s) in owner or operator occur?

N/A

6. Rating Date: 9/1/2011 Repeat Violator:

NO

### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/31/2008

(687212)

2 01/24/2011

(892148)

3 02/06/2012

(949831)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ADICO ENTERPRISES INC. DBA	§	
ANAS SHELL	§	
RN100870831	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2012-0531-PST-E

### I. JURISDICTION AND STIPULATIONS

On ________, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ADICO ENTERPRISES INC. dba Anas Shell ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a convenience store with retail sales of gasoline at 9816 Galveston Road in Houston, Harris County, Texas (the "Facility").
- 2. The Respondent's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 11, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twelve Thousand Forty-Four Dollars (\$12,044) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Ninety-One Dollars

(\$2,408) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nine Thousand Three Hundred Forty-Five Dollars (\$9,345) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Sixty-Seven Dollars (\$267) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a).
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. Conducted the annual line leak detector and piping tightness testing with passing results on March 9, 2012; and
  - b. Conducted the triennial cathodic protection system testing with passing results on March 23, 2012.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 Tex. ADMIN. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during an investigation conducted on July 12, 2011 and a record review conducted on February 6, 2012. Specifically, the delivery certificate expired on July 31, 2006.
- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on July 12, 2011 and a record review conducted on February 6, 2012. Specifically, one fuel delivery was accepted without a valid delivery certificate.
- 3. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(1) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on July 12, 2011 and a record review conducted on February 6, 2012.
- 4. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on July 12, 2011 and a record review conducted on February 6, 2012.
- 5. Failed to provide proper release detection for the pressurized piping associated with the UST system, in violation of 30 Tex. ADMIN. CODE § 334.50(b)(2) and Tex. WATER CODE § 26.3475(a), as documented during an investigation conducted on July 12, 2011 and a record review conducted on February 6, 2012. Specifically, the Respondent had not conducted the annual line leak detector and piping tightness testing.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ADICO ENTERPRISES INC. dba Anas Shell, Docket No. 2012-0531-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 Tex. Admin. Code § 334.8;
  - b. Within 30 days after the effective date of this Agreed Order, install and implement a release detection method for the USTs at the Facility, in accordance with 30 Tex. Admin. Code § 334.50; and
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

ADICO ENTERPRISES INC. dba Anas Shell

For the Commission

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Pam Jovai J	10/3/12
For the Executive Director	Date
I, the undersigned, have read and understand to agree to the attached Agreed Order on behalf of do agree to the terms and conditions specified the accepting payment for the penalty amount, is ma	the entity indicated below my signature, and I terein. I further acknowledge that the TCEQ, in
<ul><li>additional penalties, and/or attorney fees,</li><li>Increased penalties in any future enforcen</li></ul>	may result in:  as submitted; eneral's Office for contempt, injunctive relief, , or to a collection agency; nent actions; ral's Office of any future enforcement actions; y law.
Mush A A D Name (Printed or typed) Authorized Representative of	Date  Does Leat  Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration

Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.